

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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October 4, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

Committee on Oversight and Reform Republicans are investigating the National Archives and Records Administration's (NARA) role in the FBI raid of former President Donald J. Trump's home at Mar-a-Lago. According to documents on file with the Committee, in February 2022, NARA requested a meeting with Committee Democrats on this issue and failed to include Committee Republicans. This raises concerns that NARA has been treating the Trump Administration's handling of presidential records as a partisan political issue.¹ Even prior to President Trump leaving the White House, Committee Democrats engaged NARA to investigate the matter of presidential records despite no evidence the Administration did anything wrong.² This new information about NARA meeting with Committee Democrats and excluding Committee Republicans raises even more questions about the degree to which NARA has been motivated by Committee Democrats' transparent aim to implicate the former president in wrongdoing. As such, Committee Republicans request information about the potential politicization of NARA and the extent of Democrats' influence at the agency.

On December 21, 2020—during the Trump Administration—Committee Chairwoman Carolyn Maloney wrote to NARA requesting information about the Trump Administration's handling of presidential records.³ The Committee Chairwoman's letter noted that NARA had not sent a NARA employee to the White House to assist—as it had done with prior administrations—“due to the coronavirus pandemic.”⁴ On January 5, 2021—still during the Trump Administration—NARA responded, noting that 1) the Trump Administration had requested review of how documents should be handled, 2) NARA had been “closely coordinating with the White House throughout the Trump Administration[,]” and 3) in the past NARA has provided administrations confidential guidance to access records such as that which

¹ See e.g., e-mail from John Hamilton, Director of Cong. Affairs, NARA, to H. Comm. on Oversight & Reform Democrat staff member (Feb. 25, 2022); calendar invitation from John Hamilton (cc: Gary Stern, Gen. Counsel, NARA) to H. Comm. on Oversight & Reform Democrat staff member for meeting on Feb. 28, 2022 (Feb. 26, 2022).

² Letter from Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform, to Hon. David Ferriero, Archivist, NARA (Dec. 21, 2020).

³ *Id.*

⁴ *Id.*

“occurred during the Clinton and George W. Bush Administrations.”⁵ While NARA’s response mentions no wrongdoing by the Trump Administration, Committee Democrats used this issue as a basis to continue investigating President Trump well after his term ended even though it was NARA’s decision to not send an employee to the White House to help with the transition of records because of COVID-19 restrictions.

Committee Republicans are concerned NARA has become overly influenced by Committee Democrats’ focus on the former president. Committee Democrats’ investigating of former President Trump has led NARA to produce everything from an accounting of books, ties, and other gifts to the President⁶ to the proper memorialization of Instagram posts.⁷ It is particularly concerning that in February 2022, NARA officials requested Committee Democrat staff meet with NARA officials—including apparently General Counsel Gary Stern—without invitation to Committee Republicans about this ongoing matter. E-mail documentation shows the February 28, 2022, meeting was to discuss “the letter,” which presumably meant either the February 9, 2022,⁸ letter from Committee Chairwoman Carolyn Maloney to NARA or the agency’s February 18, 2022, letter to the Chairwoman.⁹ Both letters involved the former president’s handling of presidential records, yet NARA chose to make the meeting partisan by failing to include Committee Republicans. This raises serious questions about how often NARA provided information to Committee Democrats about this issue without including Committee Republicans.

Committee Republicans seek information about NARA’s February 2022 meeting with Democrat Committee staff and any other meetings, conversations, or interactions with Democrat elected officials or staff outside NARA regarding former President Trump. The FBI’s August 8, 2022, raid of the former president’s personal residence was conducted only after NARA or its Office of Inspector General (OIG) communicated with the Department of Justice (DOJ). Committee Republicans must determine the extent, if any, to which this communication was affected by Committee Democrats’ desire for NARA to pursue the former president.

While DOJ has instructed both NARA and the OIG to not cooperate with Committee Republicans’ investigation,¹⁰ neither NARA nor the OIG have provided a legal source to justify either its lack of cooperation or DOJ’s instruction. Congress, and particularly the Committee on Oversight and Reform has a duty to provide transparency and accountability for the American people. In order to learn more about congressional Democrats’ influence and coordination with

⁵ Letter from Hon. David Ferriero, Archivist, Nat’l Archives and Records Admin., to Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform (Jan. 5, 2021).

⁶ Production on file with Committee Republican staff.

⁷ Letter from Hon. David Ferriero, Archivist, Nat’l Archives and Records Admin., to Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform (Feb. 18, 2022).

⁸ Letter from Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform, to Hon. David Ferriero, Archivist, NARA (Feb. 9, 2022).

⁹ Letter from Hon. David Ferriero, Archivist, Nat’l Archives and Records Admin., to Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform (Feb. 18, 2022) (separate from the letter identified *supra*, n.7).

¹⁰ Letter from Ms. Debra Steidel Wall, Acting Archivist, Nat’l Archives and Records Admin., to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Sep. 22, 2022); Letter from Dr. Brett Baker, Inspector General, Nat’l Archives and Records Admin. Office of Inspector General, to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Sep. 15, 2022).

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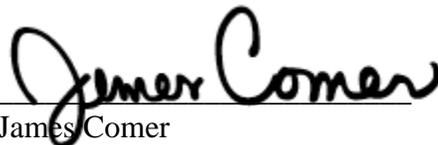
NARA, please provide the following documents, covering the time period from January 1, 2020, to present, no later than October 18, 2022:

1. All documents and communications between or among any employee or agent of NARA and any Democrat Legislative Branch elected official or staff thereof regarding the Trump Administration's control, transfer, storage, or other handling of documents subject to the Presidential Records Act;
2. All documents and communications between or among any employee or agent of NARA and the NARA OIG regarding the Trump Administration's control, transfer, storage, or other handling of documents subject to the Presidential Records Act;
3. All documents and communications between or among employees or agents of NARA, including but not limited to John Hamilton and Gary Stern, regarding communications with any Democrat Legislative Branch elected official or staff thereof regarding the Trump Administration's control, transfer, storage, or other handling of documents subject to the Presidential Records Act; and
4. If any information covered by the above is not produced by NARA, the legal source NARA asserts to justify the failure to produce.

To make arrangements to schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight & Reform

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight & Reform